

SECOND REGULAR SESSION

SENATE BILL NO. 665

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RUPP.

Pre-filed December 1, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

3324S.02I

AN ACT

To repeal section 105.270, RSMo, and to enact in lieu thereof one new section relating to the military leave of public employees, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 105.270, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 105.270, to read as follows:

105.270. 1. All officers and employees of this state, or of any department
2 or agency thereof, or of any county, municipality, school district, or other political
3 subdivision, and all other public employees of this state who are or may become
4 members of the national guard or of any reserve component of the armed forces
5 of the United States, shall be entitled to leave of absence from their respective
6 duties, without loss of time, pay, regular leave, impairment of efficiency rating,
7 or of any other rights or benefits, to which otherwise entitled, for all periods of
8 military services during which they are engaged in the performance of duty or
9 training in the service of this state at the call of the governor and as ordered by
10 the adjutant general without regard to length of time, and for all periods of
11 military services during which they are engaged in the performance of duty in the
12 service of the United States under competent orders for a period not to exceed a
13 total of one hundred twenty hours in any federal fiscal year. **At the option of
14 an employee, an employee may use any combination of the employee's
15 accrued annual leave, compensatory time, paid military leave, or leave
16 without pay during the period the employee is absent to perform
17 military service.**

18 2. Before any payment of salary is made covering the period of the leave
19 the officer or the employee shall file with the appointing authority or supervising
20 agency an official order from the appropriate military authority as evidence of

21 such duty for which military leave pay is granted which order shall contain the
22 certification of the officer or employee's commanding officer of performance of
23 duty in accordance with the terms of such order.

24 3. No member of the organized militia shall be discharged from
25 employment by any of the aforementioned agencies because of being a member of
26 the organized militia, nor shall he be hindered or prevented from performing any
27 militia service he may be called upon to perform by proper authority nor
28 otherwise be discriminated against or dissuaded from enlisting or continuing his
29 service in the militia by threat or injury to him in respect to his
30 employment. Any officer or agent of the aforementioned agencies violating any
31 of the provisions of this section is guilty of a misdemeanor.

32 4. Notwithstanding the provisions of any other administrative rule or law
33 to the contrary, any person entitled to military leave pursuant to the provisions
34 of subsection 1 of this section shall only be charged military leave for any hours
35 which that person would otherwise have been required to work had it not been
36 for such military leave. The minimum charge for military leave shall be one hour
37 and additional charges for military leave shall be in multiples of the minimum
38 charge.

Bill

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